

The report of the Committee on Public Printing was taken up.

Mr. Dickson called for a division of the questions embraced in the reports. So much of said report as refers to the printing of the valedictory address of Governor Lubbock and the inaugural of Governor Murrah was adopted.

The question being on the adoption of the resolution proposed Mr. Guinn offered the following as a substitute: "**Resolved** that it is the sense of the Senate that the Committee on Public Printing do not contract for any copies either of the *Tri-Weekly* or *Weekly Gazette* for the use of Senators under the resolution adopted yesterday."

Mr. Harcourt moved to postpone further consideration of the subject until Tuesday next. Carried.

On Mr. Harcourt's motion a bill to amend the 1st section of an act to fix the salaries of officers and clerks therein named was taken up and the yeas and nays upon the adoption of the majority report stood thus:

Yeas: Messrs. Charlton, Dickson, Durant, Ford, Guinn, Holland, Jowers, Kinsey, Montague, Selman, Throckmorton, Weatherford, Wootten, Wilson, and White—14.

Nays: Messrs. Beasley, Harcourt, Hartley, Haskell, Lea, Maxey, Mitchell, Moore of Davis, Moore of Bastrop, and Quayle—10.

A message from the House announced the appointment of the following committees to act in conjunction with committees of the Senate on the same subjects:

Frontier Defense: Messrs. Kyle, Ranck, Tyler, Jones, Buckley, Howard of LaVaca, Thaxton, Prince, and McCarthy.

Military Board: Messrs. Buckley, Lollar, Patton, McGuire, Walker, Sampson, Bush.

The Senate then adjourned until 10 o'clock A. M. on Monday next.

Senate Chamber, Monday, November 9, 1863  
10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of Saturday was read and adopted.

Mr. Kinsey presented the memorial of sundry citizens of his district asking permission to organize a Minute Company for certain purposes. Referred to Committee on Military Affairs.

The Judiciary Committee by Mr. Harcourt, their chairman, reported a substitute for a bill to regulate continuances in the District Court, also the following reports: "The Judiciary Committee have duly considered a bill to amend the 4th Section of an act regulating the descent and distribution of estates and instruct me to return the same to the Senate and recommend that it do not pass. The bill proposed a radical change in the descent and distribution of property, which we think it unwise and inexpedient to make at the time many of our citizens have entered the military service where their lives will be imperiled with the understanding that in case of their death their property will descend in the mode now prescribed by law. Any change of the law during the present war would we think be an unjust interference with the disposition of property and lead to much discontent and mischief."

"The Judiciary Committee have considered a resolution directing them to inquire into the expediency and constitutionality of the passage of a law stopping interest on all debts where Confederate money has been tendered in payment of the same and direct me to return to the Senate with the following report: "The Constitution of the State of Texas, Section 14, Article 1, declares 'No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts shall be made etc.' The Constitution of the Confederate States, Section 10, Article 1 declares 'No state shall enter into any treaty of alliance or confederation, grant letter of marque and reprisal, coin money, make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.'

The Committee feel no hesitation in expressing the opinion that the proposed legislation would be repugnant to each of these Constitutional prohibitions.

The proposition is in effect, if not in fact, to make Confederate money a legal tender as it inflicts the same penalty for a refusal to receive it in payment. The legal effect of a refusal to receive payment of a debt when a legal tender of payment is made is simply that the interest upon the debt shall stop running from the date of such tender, the debt itself is not extinguished.

By the provision of the Confederate Constitution above quoted the states are prohibited from making anything

but gold and silver coin a tender in payment of debts and any law attempting to do this either directly or indirectly would be in violation of the Constitution, unoperative, and void.

The clause of our state Constitution above quoted also contains a prohibition against this class of legislation. As it would be retroactive in effect and impair the obligation of contracts."

Mr. Guinn introduced a joint resolution relative to the extension of the conscript laws and for other purposes. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Montague introduced a bill to prevent deserters from exercising the right of suffrage. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Maxey introduced a bill to prevent Sabbath breaking. Read 1st and 2nd times and referred to Committee on State Affairs.

The following committees to act in conjunction with committees from the House were announced:

On Frontier Defense: Messrs. Quayle, Burney, Moore of Bastrop, Wilson, and Selman.

On Military Board: Messrs. Throckmorton, Jowers, Wootten, Harcourt, and Mitchell.

Mr. Maxey introduced a bill for the benefit of holders of certificates issued to the Memphis, El Paso, and Pacific Rail Road Company. Read 1st and 2nd times and referred to the Committee on Judiciary.

Mr. Jowers introduced a bill to provide for the support of the families of Texas soldiers. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Guinn moved to reconsider the vote taken on Saturday adopting the report of the Committee on State Affairs recommending that the bill to amend the 1st Section of an act fixing the salaries of officers and clerks therein named do not pass.

Mr. Parsons moved to postpone the motion to reconsider until Wednesday next. Carried.

Mr. Hartley introduced a bill appropriating \$500,000 as a hospital fund for the sick and wounded soldiers from Texas in the service of the Confederate States. Read 1st and 2nd times and referred to Committee on State Affairs.

The Senate then adjourned until tomorrow morning at 10 o'clock.

Senate Chamber, Tuesday, November 10, 1863  
10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Cooley, Senator elect for the 31st Senatorial District, came forward, took the oath of office and his seat.

Mr. Guinn, Chairman of the Committee on Claims and Accounts, reported the bill for relief of George E. Burney and recommended its passage.<sup>13</sup> Also a substitute for a bill for relief of A. J. Vaughn of Lamar County.

Mr. White from the Committee on State Affairs made the following reports: "The Committee on State Affairs to whom was referred a bill appropriating \$500,000 for the relief of sick and wounded soldiers etc. have had the same under consideration and are of opinion that the first section of said bill should pass, amended by adding after the word "Dollars" the words "in Confederate notes."

Your Committee are of opinion that the 2nd Section should be amended as to provide that the amount appropriated should be raised by other means than the issue of Treasury Warrants which it considers unconstitutional and impolitic because the while it augments a debt already immense to be paid in gold and silver its value is merely nominal—a debt to be paid by the labor of a people now oppressed with heavy burdens. It is also impolitic because it adds to a currency already redundant thereby depreciating its own value and that of the Confederate notes. It is unconstitutional being a violation of the 8th Section, 7th Article, of the Constitution.

The Committee believe that the sum of \$500,000 in Confederate notes may be raised by the sale of the bonds

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<sup>13</sup>This bill read as follows:

A Bill

For the relief of George E. Burney

Sec. 1 Be it enacted by the Legislature of the State of Texas that the sum of Six hundred dollars be and the same is hereby appropriated to reimburse George E. Burney for actual expenses incurred by him in going to the State of Mississippi by order of the Governor to demand the delivery of Geo. B. Payne, William Payne, Hezekiah Payne and Jno. T. Berry, fugitives from justice charged with forging and issuing Counterfeit Confederate Treasury Notes.

Sec. 2 That this act take effect from its passage.